

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 07-20051

JAMES MARSHALL VANDIVER,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Defendant James Vandiver was indicted by a federal grand jury and charged with using the internet in an attempt to persuade, induce, entice, and coerce a 15 year old minor female to engage in a sexual act, in violation of 18 U.S.C. § 2422(b). (Doc. No. 14.) The Defendant filed a motion requesting that he be evaluated to determine whether he is competent to stand trial, which the Court granted. (Doc. No. 13.) On May 8, 2007, the Court referred the matter of determining Vandiver's competency to United States Magistrate Judge Tu M. Pham for a report and recommendation. (Doc. No. 22.) On June 15, 2007, the Magistrate Judge issued his report, recommending that the Court find that the Defendant is competent to stand trial pursuant to 18 U.S.C. § 4241. (Doc. No. 35.) Neither party presented any objections to the Magistrate Judge's report.

Having reviewed the Magistrate Judge's report as well as the entire record of the proceeding before him, the Court ADOPTS Magistrate Judge Pham's report and recommendation and finds that Vandiver is competent to stand trial.

IT IS SO ORDERED this 5th day of March, 2008.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE